

UNITED STATES OF AMERICA
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JUL 31 2008

FILED

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 07-CR-189-GZS
ROBERT WOLFFE,)	
)	
Defendant)	

FINDINGS AFFECTING SENTENCE

I FIND as follows:

1. The facts as set forth in the Presentence Report, as amended by the Addendum.

Count One – Conspiracy to Prevent Officers of the United States from Discharging Their Duties.

2. United States Sentencing Commission Guideline (hereinafter "Guideline") 2X1.1 for violation of 18 U.S.C. § 372 instructs to apply the base offense level from the guideline for the substantive offense plus any adjustments from the guideline for any intended conduct that can be established with reasonable certainty. The substantive offense is obstruction of justice; therefore, pursuant to 2J1.2 the resulting base offense level is 14.

3. The instant offense involved threatening physical injury to a person in order to obstruct justice; therefore, pursuant to 2J1.2(b)(1)(B), the base offense level is increased by 8 for a total of 22.

4. The instant offense resulted in substantial interference with the administration of justice; therefore, pursuant to 2J1.2(b)(2), the base offense level is increased by 3 for a total of 25.

Pseudo Count Two B – Conspiracy to Commit Offenses Against the United States in Violation of 18 U.S.C. §3.

5. United States Sentencing Commission Guideline (hereinafter “Guideline”) 2X3.1 for violation of 18 U.S.C. § 371 provides that the base offense level is 6 levels lower than the offense level for the underlying offense and shall not be less than level 4 or more than level 30. The substantive offense is obstruction of justice; therefore, pursuant to 2J1.2 the resulting base offense level is 14.

6. The instant offense involved threatening physical injury to a person in order to obstruct justice; therefore, pursuant to 2J1.2(b)(1)(B), the base offense level is increased by 8 for a total of 22.

7. The instant offense resulted in substantial interference with the administration of justice; therefore, pursuant to 2J1.2(b)(2), the base offense level is increased by 3 for a total of 25.

8. This figure is then reduced 6 levels for a base offense level of 19.

Count Three – Accessory After the Fact

9. United States Sentencing Commission Guideline (hereinafter “Guideline”) 2X3.1 for violation of 18 U.S.C. § 3 provides that the base offense level is 6 levels lower than the offense level for the underlying offense and shall not be less than level 4 or more than level 30. The substantive offense is obstruction of justice; therefore, pursuant to 2J1.2 the resulting base offense level is 14.

10. The instant offense involved threatening physical injury to a person in order to obstruct justice; therefore, pursuant to 2J1.2(b)(1)(B), the base offense level is increased by 8 for a total of 22.

11. The instant offense resulted in substantial interference with the administration of justice; therefore, pursuant to 2J1.2(b)(2), the base offense level is increased by 3 for a total of 25.

12. This figure is then reduced 6 levels for a base offense level of 19.

13. Pursuant to 3D1.3(a), for counts grouped under 3D1.2(a), the offense level for the most serious of the counts is to be used. Count One's calculations are the highest; therefore, the total offense level of this grouping is 25.

Count Two A – Conspiracy to Commit Offenses Against the United States in Violation of 18 U.S.C. § 111(a)(1).

14. United States Sentencing Commission Guideline for violation of 18 §§ 371 and 111(a)(1) is found in 2A1.4 and calls for a base offense level of 10.

15. A dangerous weapon was possessed and its use threatened; therefore, pursuant to 2A2.4(b)(1)(B) the base offense level is increased by 3 levels to 13.

16. The combined adjusted offense level under the Multiple-Count Adjustment contained in 3D1.4 is 25.

17. Defendant has accepted responsibility for the offense. Pursuant to U.S.S.G. §3E1.1(a), the offense level is reduced three levels to 22.

18. Defendant's Criminal History Category is Category I.

19. For a Total Offense Level of 22 and a Criminal History Category of I, the applicable Guideline range is 41 to 51 months.

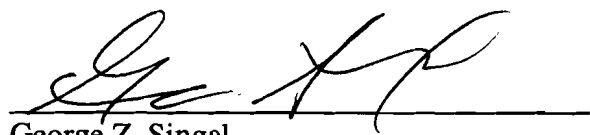
20. The Defendant is not eligible for probation. Guideline 5C1.1(f).

21. Pursuant to U.S.S.G. § 5D1.2(a)(2), the term for supervised release is at least two years but not more than three years.

22. Pursuant to U.S.S.G. § 5E1.2(c)(4), the fine range for the instant offense is from \$7,500 to \$75,000.

23. A total special assessment fee of \$300, \$100 for each count of conviction, is mandatory, pursuant to 18 U.S.C. § 3013.

SO ORDERED.



George Z. Singal
Chief United States District Judge

31st July, 2008
Dated this ~~16th~~ day of ~~April~~, 2008.